

**BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE
OF THE STATE OF TENNESSEE**

IN THE MATTER OF:

**THE WORKERS' COMPENSATION LOSS COST
FILING FILED BY THE NATIONAL COUNCIL
ON COMPENSATION INSURANCE**

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No.: 03-135

ORDER MODIFYING WORKERS' COMPENSATION LOSS COST FILING

This matter came to be considered as required by Tenn. Code Ann. § 50-6-402(b), which provides that “[b]efore approving any workers’ compensation loss cost filing made by the designated rate service organization pursuant to this part or title 56, the commissioner of commerce and insurance shall consult with the advisory council on workers’ compensation concerning such filing.” The statute further requires the Commissioner of Commerce and Insurance (hereinafter referred to as the “Commissioner”) to approve, disapprove or modify the filing within ninety (90) days of the Commissioner receiving the filing.

On August 15, 2003, the National Council on Compensation Insurance (hereinafter referred to as the “NCCI”) filed with the Department a request for approval of an overall increase of +7.9% in the workers’ compensation loss cost filing. The filing was forwarded to the Advisory Council on Workers’ Compensation (hereinafter referred to as the “Advisory Council”) on August 15, 2003. The Advisory Council, pursuant to Tenn. Code Ann. § 50-6-402(b), has sixty (60) days to provide written comment on the filing. Through a letter dated October 6, 2003, the Advisory Council recommended an increase of +7.9%.

Tenn. Code Ann. § 50-6-402 states that “[i]f the commissioner of commerce and insurance modifies the filing, such modification shall be within the range established by the recommendation of the rate service organization in its filing and the recommendation of the

advisory council on workers compensation.” Accordingly, it is the determination of the Commissioner of Commerce and Insurance that the workers’ compensation loss cost filing filed by the NCCI on August 15, 2003, be **MODIFIED**. The modifications of the loss cost filing are attached hereto as Exhibit A to this Order and are incorporated herein. The change to the aggregate loss cost amount is +7.9% and falls within the range established by the recommendation of the Advisory Council and the workers’ compensation loss cost filing made by the NCCI.

It is so **ORDERED**.

ENTERED this _____ day of _____, 2003.

Paula A. Flowers
Commissioner
Department of Commerce and Insurance

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